

REMARKS

Receipt of the Office Action of October 30, 2009 is gratefully acknowledged.

Claims 33 - 37, 41 - 44, 49, 65 and 66 have been re-examined in this RCE application. Of these, claims 33, 35 and 65 are rejected under 35 USC 102(b) by Shibo et al, claims 34, 36 and 66 are rejected under 35 USC 102(b), or in the alternative under 35 USC 103(a) over Shibo et al, claims 37 and 41 - 43 under 35 USC 103(a) over Shibo et al in view of Wentworth, and claim 44 has been rejected under 35 USC 103(a) over Shibo et al in view of Wentworth.

These rejections have been carefully considered, and as a result of this consideration, are respectfully traversed.

Of the pending claims, claims 65 and 66 are in independent form. These have been rejected, as noted above, as anticipated by Shibo et al, and claim 66 as being also obvious over Shibo et al. It is respectfully submitted that the examiner is misapplying Shibo et al under both 35 USC 102 and 103. The3 examiner states that "...the circuit board of Shibo et al. Inherently meet the shielding limitation.." That simply cannot be correct. If the circuit board were a shielding member then why would Shibo et al need a mask pallet 103. Either the circuit board is a shield or it is not, and if it were then the mask pallet 103 would not be necessary. Applicant understands that claims are to be interpreted broadly, but certainly not illogically. There is no logic in having a mask pallet 103 if the circuit board is to be a shield. Shibo et al does not suggest that both components are shields but that only one is. Why, then, does the examiner choose to distort Shibo et al's clear teaching and attempt to stretch it in a way that would contradict Shibo et al themselves? There can be only one answer to

this question, and that is that the examiner is being lead by the invention claimed here. Such a practice is prohibited by the well settled case law.

If the invention requires that the circuit board act as a shield, then a reference that fails to teach this feature can neither anticipate, nor render obvious such an invention.

The examiner is urged to reconsider his rejections and find claims 33 - 37, 41 - 44, 49, 65 and 66 allowable.

Respectfully submitted,
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